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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/523,850	02/07/2005	Thomas John	3208	4407	
7590	02/18/2010		EXAMINER		
Striker Striker & Stenby 103 East Neck Road Huntington, NY 11743		NGUYEN, PHONG H			
		ART UNIT	PAPER NUMBER		
		3724			
		MAIL DATE	DELIVERY MODE		
		02/18/2010	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/523,850	JOHN ET AL.	
	Examiner	Art Unit	
	PHONG H. NGUYEN	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 11 November 2009.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 29-35 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 29-35 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application

6) Other: _____.

DETAILED ACTION

1. In view of the Appeal brief filed on 11/11/2009, PROSECUTION IS HEREBY REOPENED. New grounds of rejections are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 29-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frederick (3,880,028) in view of Bier et al. (3,756,104), hereinafter Bier, and Bauer (5,744,776).

Regarding claim 29, Frederick teaches a method for cutting a continuously moving glass sheet during production of flat glass with an inhomogeneous thickness distribution across the glass sheet, the method comprising the steps of:

- a) providing a moving glass sheet 12 that is continuously moving in a travel direction;
- b) moving a cutting tool 16 across the moving glass sheet at an angle (90 degrees) to the travel direction of the moving glass sheet so that the cutting tool traverses a plurality of positions on the glass sheet;
- f) mechanically breaking the glass sheet along the fissure (by a snap roll 21);

See Figs. 1-2.

Frederick does not teach steps (c), (e) and (g) which are to apply variable cutting force on the glass sheet wherein the cutting force is increased where the variable thickness increases and the cutting force is decreased where the variable thickness decreases, and the controlling variable cutting force so that the glass sheet is not damaged during the cutting process.

Bier teaches a method for applying variable cutting force on the glass sheet wherein the cutting force is increased where the variable thickness increases and the cutting force is decreased where the variable thickness decreases, and the controlling variable cutting force so that the glass sheet is not damaged during the cutting process for

making a constant depth score. See the Abstract and Figs. 1 and 3. It is to be noted that in order to make a constant depth score on an irregular surface, the cutting head 40 must apply a stronger cutting force at a thicker location of the glass sheet and a lesser cutting force at a thinner location of the glass sheet.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to incorporate steps (c), (e) and (g) as taught by Bier to the cutting method of Frederick for making constant depth score on the glass sheet.

Frederick does not teach step (d) which is to measure the thickness of the glass sheet.

Frederick, however, teaches the intensity of sound collected during a cutting process related to thickness of the glass sheet. See col. 5, lines 5-15.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to measure the thickness of the glass sheet based upon sound collected during a cutting process for quality control purpose.

To the degree the Applicant would argue that it would not have been obvious to one skilled in the art to use sound for measuring a thickness of a material, the following rejection is provided.

Bauer teaches using sound for measuring a thickness of a material. See col. 6, lines 63-65.

Therefore, it would have been obvious to one skilled in the art to use sound picked up by element 30 in Frederick to measure the thickness of the glass sheet during a cutting process for quality control purpose.

Regarding claim 30, a position sensor 30 for detecting the position of the cutting tool 16 across the glass sheet 12 is best seen in Figs. 1-2.

Regarding claim 31, since the thin region and the thick region of the glass sheet apply different pressures on the cutting head 40, the d-c potential supplied to the motor is changed to respond the pressure changed on the cutting head.

Regarding claims 32 and 33, a controller (2, 6) for controlling cutting pressure is best seen in Fig. 1 in Bier.

Regarding claim 34, Frederick teaches a method for cutting a continuously moving glass sheet during production of flat glass with an inhomogeneous thickness distribution across the glass sheet, the method comprising the steps of:

- a) providing a moving glass sheet 12 that is continuously moving in a travel direction;
- b) moving a cutting tool 16 across the moving glass sheet at an angle (90 degrees) to the travel direction of the moving glass sheet so that the cutting tool traverses a plurality of positions on the glass sheet;
- e) mechanically breaking the glass sheet along the fissure (by a snap roll 21); and

See Figs. 1-2.

Frederick does not teach steps (d) and (f) which are to apply variable cutting force on the glass sheet wherein the cutting force is increased where the variable thickness increases and the cutting force is decreased where the variable thickness decreases, and the controlling variable cutting force so that the glass sheet is not damaged during the cutting process.

Bier teaches a method for applying variable cutting force on the glass sheet wherein the cutting force is increased where the variable thickness increases and the cutting force is decreased where the variable thickness decreases, and the controlling variable cutting force so that the glass sheet is not damaged during the cutting process for making a constant depth score. See the Abstract and Figs. 1 and 3. It is to be noted that in order to make a constant depth score on an irregular surface, the cutting head 40 must apply a stronger cutting force at a thicker location of the glass sheet and a lesser cutting force at a thinner location of the glass sheet.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to incorporate steps (d) and (f) as taught by Bier to the cutting method of Frederick for making constant depth score on the glass sheet.

Frederick does not teach step (c) which is to measure the thickness of the glass sheet.

Frederick, however, teaches the intensity of sound collected during a cutting process related to thickness of the glass sheet. See col. 5, lines 5-15.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to measure the thickness of the glass sheet based upon sound collected during a cutting process for quality control purpose.

To the degree the Applicant would argue that it would not have been obvious to one skilled in the art to use sound for measuring a thickness of a material, the following rejection is provided.

Bauer teaches using sound for measuring a thickness of a material. See col. 6, lines 63-65.

Therefore, it would have been obvious to one skilled in the art to use sound picked up by element 30 in Frederick to measure the thickness of the glass sheet during a cutting process for quality control purpose.

Regarding claim 30, a position sensor 30 for detecting the position of the cutting tool 16 across the glass sheet 12 is best seen in Figs. 1-2.

Regarding claim 35, a controller (2, 6) for adjusting the cutting force is best seen in Fig. 1 in Bier.

Response to Arguments

4. Applicant's arguments with respect to claims 29 and 34 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment filed on 02/04/209 necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHONG H. NGUYEN whose telephone number is (571)272-4510. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Phong H Nguyen/
Examiner, Art Unit 3724
February 11, 2010

/Boyer D. Ashley/
Supervisory Patent Examiner, Art Unit 3724